

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

WILLIE LEE SIMS, JR.,

Defendant-Appellant.

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UNPUBLISHED

September 14, 2006

No. 260757

Ingham Circuit Court

LC No. 04-000899-FC

Before: Sawyer, P.J., and Fitzgerald and O'Connell, JJ.

PER CURIAM.

A jury convicted defendant of first-degree premeditated murder, MCL 750.316(1)(a), two counts of assault with intent to commit murder, MCL 750.83, carrying a concealed weapon (CCW), MCL 750.227, and possession of a firearm during the commission of a felony (felony-firearm), MCL 750.227b. Defendant was sentenced to concurrent prison terms of life without parole for the first-degree murder conviction, 200 to 300 months for each assault conviction, and 19 to 60 months for the CCW conviction, and to a consecutive two-year term for the felony-firearm conviction. He appeals as of right, and we affirm.

Defendant's convictions arise from shootings that took place after the Taste of Blackness event held at the Lansing Center on April 17, 2004. At about 2:30 a.m. the next morning, following an after-party at the same location, several shots were fired in a parking lot across from Oldsmobile Park. The shootings occurred after an argument between several individuals in the parking lot began to subside. Marcus Ford was killed and three others were wounded. Several witnesses testified that Ford had tried to intercede between the arguing parties to diffuse the situation.

Defendant argues that there was insufficient evidence of premeditation and deliberation to support his first-degree murder conviction. In reviewing a challenge to the sufficiency of the evidence, this Court views the evidence in the light most favorable to the prosecution "to determine whether a rational trier of fact could find that the essential elements of the crime were provided beyond a reasonable doubt." *People v Plummer*, 229 Mich App 293, 299; 581 NW2d 753 (1998). The standard of review is deferential, and the reviewing court must draw all reasonable inferences and make credibility choices in support of the jury verdict. *People v Moorer*, 262 Mich App 64, 77; 683 NW2d 736 (2004).

“To premeditate is to think about beforehand; to deliberate is to measure and evaluate the major facets of a choice or problem.” *Plummer, supra* at 300, quoting *People v Morrin*, 31 Mich App 301, 329; 187 NW2d 434 (1971). To show premeditation, enough time must pass between the initial homicidal intent and the ultimate action to allow a reasonable person to take a “second look.” *People v Gonzalez*, 468 Mich 636, 641; 664 NW2d 159 (2003). Premeditation may be established by reasonable inferences drawn from the circumstances surrounding the killing. *Plummer, supra* at 300. Factors that may be used to establish premeditation include the prior relationship between the defendant and the victim, the defendant’s actions before and after the crime, and the circumstances of the killing itself. *Id.* The evidence must establish that the defendant not only had the time to premeditate, but also that he had the capacity to do so. *Id.*

Viewed in a light most favorable to the prosecution, the evidence was sufficient to allow a rational trier of fact to conclude that defendant had both the time and the capacity necessary to engage in the reflection necessary to support the verdict. According to eyewitnesses, defendant was not directly involved in the argument preceding the shooting, but was instead observing from the sidelines. After the arguing parties began to recede, defendant stepped forward and shot Ford in the chest from approximately four feet away. There was testimony that Ford and his friends were unarmed and that they were not making any threats. There is no evidence of a struggle, attack, or surprise that would have prompted defendant to fire without thinking. See *People v Jones*, 115 Mich App 543, 553; 321 NW2d 723 (1982). The evidence was sufficient to support a finding that defendant was able to engage in the “cool and orderly reflection” necessary to support a finding of first-degree, premeditated murder. See *Plummer, supra* at 30.

Affirmed.

/s/ David H. Sawyer  
/s/ E. Thomas Fitzgerald  
/s/ Peter D. O’Connell